

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA

SCOTT T. BALLOCK,

Plaintiff,

v.

CIVIL ACTION NO.: 1:17-CV-52
Honorable Irene M. Keeley

**ELLEN RUTH COSTLOW,
STATE TROOPER MICHAEL KIEF,
STATE TROOPER RONNIE M.
GASKINS, AND STATE TROOPER
CHRIS BERRY,**

Defendants.

**DEFENDANTS STATE TROOPER MICHAEL KIEF,
STATE TROOPER RONNIE M. GASKINS, AND
STATE TROOPER CHRIS BERRY'S MOTION FOR SUMMARY JUDGMENT**

Defendants State Trooper Michael Kief, State Trooper Ronnie M. Gaskins, and State Trooper Chris Berry (collectively, the “State Police Defendants”) move the Court under Rule 56 of the Federal Rules of Civil Procedure to grant them summary judgment as to all of Plaintiff Scott T. Ballock’s claims against them. As fully set forth in the accompanying memorandum of law, there is no genuine dispute as to any material fact; Mr. Ballock does not have evidence by which a reasonable jury could find that he has established the essential elements of his various causes of action against the State Police Defendants. Alternatively, the State Police Defendants are entitled to qualified immunity from Mr. Ballock’s claims because he cannot identify a clearly established law that the State Police Defendants violated by arresting him based upon probable cause to believe he criminally harassed his wife, Co-Defendant Ellen Ruth Costlow, or by communicating with FBI officials about the investigation. Therefore, the State Police Defendants are entitled to judgment as a matter of law.

WHEREFORE, for the foregoing reasons, Defendants State Trooper Michael Kief, State Trooper Ronnie M. Gaskins, and State Trooper Chris Berry respectfully request that the Court GRANT their Motion and enter summary judgment in their favor and grant them any and all other relief the Court finds appropriate.

Dated this 18th day of July 2019.

Respectfully submitted,

/s/ **Mark G. Jeffries**

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of July 2019, I electronically filed the foregoing “Defendants State Trooper Michael Kief, State Trooper Ronnie M. Gaskins, and State Trooper Chris Berry’s Motion for Summary Judgment” with the Clerk of the Court using CM/ECF system, which will send notification of such filing to the following:

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s/ Mark G. Jeffries

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